

1 LATHAM & WATKINS LLP
2 Marcy C. Priedeman (CA Bar No. 258505)
3 marcy.priedeman@lw.com
4 505 Montgomery Street, Suite 2000
5 San Francisco, CA 94111-6538
6 Telephone: +1.415.391.0600
7 Facsimile: +1.415.395.8095

8 LATHAM & WATKINS LLP
9 Richard P. Bress (Admitted Pro Hac Vice)
10 rick.bress@lw.com
11 Michael E. Bern (Admitted Pro Hac Vice)
12 michael.bern@lw.com
13 555 Eleventh Street, NW, Suite 1000
14 Washington, DC 20004-1304
15 Telephone: +1.202.637.2200
16 Facsimile: +1.202.637.2201

17 *Attorneys for Plaintiff*
18 The American Beverage Association

19 *Additional Counsel on Signature Page*

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 THE AMERICAN BEVERAGE
24 ASSOCIATION, CALIFORNIA RETAILERS
25 ASSOCIATION, CALIFORNIA STATE
26 OUTDOOR ADVERTISING ASSOCIATION,

27 Plaintiffs,

28 v.

THE CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

CASE NO. 3:15-cv-03415-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs The American Beverage
2 Association, California Retailers Association, and California State Outdoor Advertising
3 Association (“Plaintiffs”), and Defendant The City and County of San Francisco, hereby
4 stipulate as follows:

5 WHEREAS, the Court scheduled a Case Management Conference for September
6 7, 2017 (Dkt. No. 94);

7 WHEREAS, on July 31, 2017, this Case Management Conference was reset to
8 September 28, 2017 (Dkt. No. 95);

9 WHEREAS, a Case Management Statement is due to the Court by September 21,
10 2017 (Dkt. No. 95);

11 WHEREAS, on June 16, 2016, Plaintiffs American Beverage Association and
12 California Retailers Association filed a Notice of Appeal of the Court’s May 17, 2016 Order
13 Denying Plaintiffs’ Motion for Preliminary Injunction, and Plaintiff California State Outdoor
14 Advertising Association filed a separate Notice of Appeal of the same order on that date;

15 WHEREAS, the parties presented oral argument to the U.S. Court of Appeals for
16 the Ninth Circuit on April 17, 2017; and

17 WHEREAS, the parties are awaiting a decision by the U.S. Court of Appeals for
18 the Ninth Circuit in the appeal in this case,

19 NOW, THEREFORE, in the interest of judicial economy and good cause
20 showing, the undersigned parties, by and through their counsel of record, hereby agree and
21 stipulate, and the Court hereby orders, as follows:

22 (1) The Case Management Conference, currently scheduled for September 28,
23 2017 at 10:30 a.m., shall be continued to at least two weeks following a decision by the Ninth
24 Circuit, at a date and time convenient for the Court; and

25 (2) The parties shall submit a Joint Case Management Statement by one week
26 prior to the Case Management Conference.

27 The parties respectfully request that the Court enter an Order approving this
28 Stipulation.

1 IT IS SO STIPULATED.
2

3 Dated: September 12, 2017

Respectfully submitted,

4 LATHAM & WATKINS LLP
5

6 By /s/ Marcy C. Priedeman
7

Marcy C. Priedeman (CA Bar No. 258505)
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
T +1.415.391.0600
F +1.415.395.8095
marcy.priedeman@lw.com

8 Richard P. Bress (Admitted *Pro Hac Vice*)
9 Michael E. Bern (Admitted *Pro Hac Vice*)
10 LATHAM & WATKINS LLP
11 555 Eleventh Street, NW
12 Suite 1000
13 Washington, DC 20004-1304
14 T +1.202.637.2200
15 F +1.202.637.2201
rick.bress@lw.com
michael.bern@lw.com

16 *Attorneys for Plaintiff*
17 The American Beverage Association

18 By /s/ Theodore B. Olson
19

Theodore B. Olson (Bar No. 38137)
Andrew S. Tulumello (Bar No. 196484)
Helgi C. Walker (Admitted Pro Hac Vice)
Jacob T. Spencer (Admitted Pro Hac Vice)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
T +1.202.955.8668
F +1.202.530.9575
tolson@gibsondunn.com
atulumello@gibsondunn.com
hwalker@gibsondunn.com
jspencer@gibsondunn.com

20 By /s/ Charles J. Stevens
21

Charles J. Stevens (Bar No. 106981)
Joshua D. Dick (Bar No. 268853)
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
San Francisco, CA 94105-0921
T +1.415.393.8233

1 F +1.415.374.8469
2 cstevens@gibsondunn.com
3 jdick@gibsondunn.com

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Plaintiff
California State Outdoor Advertising
Association

By /s/ Thomas S. Knox
Thomas S. Knox (Bar No. 73384)
KNOX, LEMMON & ANAPOLSKY, LLP
300 Capitol Mall, Suite 1125
Sacramento, CA 95814
T +1.916.498.9911
F +1.916.498.9991
tknox@klalawfirm.com

Attorneys for Plaintiff
California Retailers Association

Dated: September 12, 2017

By: /s/ Christine Van Aken
Christine Van Aken (Bar No. 241755)
Jeremy Goldman (Bar No. 218888)
Deputy City Attorneys
City Hall, Room 234
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
T +1.415.554.4700
F +1.415.554.4745
Jeremy.Goldman@sfgov.org
Christine.Van.Aken@sfgov.org

Attorneys for Defendant
City and County of San Francisco

ATTESTATION CLAUSE

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this document the concurrence from all parties whose electronic signatures appear above.

Dated: September 12, 2017

LATHAM & WATKINS LLP

By: s/ Marcy C. Priedeman
Marcy C. Priedeman

PURSUANT TO STIPULATION, IT IS SO ORDERED. The 9/28/17 further cmc

DATED: 9/18/17

The 9/28/17 further cmc
is reset for 3/29/18 at
10:30 a.m. Updated
~~statement due~~ 3/22/18.

